

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

November 28, 2005

7:00 p.m.

The Council and all in attendance recited the Pledge of Allegiance.

President Albier: "Would you call the roll Mr. Fisk?"

Clerk Fisk: "Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Here."
Councilman G. Frey: "Here."
Councilman Coyne: "Here."
Councilman J. Frey: "Here."
Councilman Albier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."

President Albier: "Tonight's agenda. We'll have agreements for fuel purchases, police cruisers, the five bids for the fire station, and financing approval for the fire truck; we'll also have Resolution 2005-18, In support of all Senate and House Bills which increase penalties for the crime of child molesting and related crimes; Ordinance 2005-42, Authorizing inter-fund transfers and advances during 2005; we'll have the first reading for Ordinance 2005-43, Temporary appropriations; Ordinance 2005-44, Establishing the personnel for the Division of Police within the Department of Public Safety of the City of Brooklyn; Ordinance 2005-45, Enacting Section 539.22 of the Codified Ordinances of the City of Brooklyn, Ohio entitled 'Persons Prohibited on Playgrounds, Parks and Recreation Facilities'; and other matters that may come before the Council. We'll now have approval of the minutes from November 14th. Need a motion."

Councilwoman Brown: "Move to approve."

Councilman J. Frey: "Move to approve."

Councilman Coyne: "Second."

Clerk Fisk: "To approve the minutes of November 14th, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "At this time I'd like to ask Council if they would consider moving the last Council meeting of the year, it falls on December 26th, the day after Christmas, and City Hall's closed that day, so I move that we have the meeting on the Tuesday the 27th at 7 p.m."

Councilwoman Pucci: "Second."

Clerk Fisk: "To approve the moving of the final meeting of the year to December 27th, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Thank you. Before we start the public session, as I mentioned before, we're going to have five bids on the fire station. And Roger is here, he's from RFC, our construction manager, and he has

another appointment later today; so I'm going to have him come up to the podium and give us a brief rundown on each one of these bids for the fire station."

Roger Riachi: "Thank you. We received, we broke down the packages into five different packages – general trades, fire protection, plumbing, HVAC and electrical. The bids were received and opened publicly and read out loud here at City Hall. The bid results are as follows: Dunlop Johnson was the low bidder on the general trades with a bid of \$2,415,500; S.A. Comunale was the low bidder for the fire protection with a bid of \$56,250; E.B. Katz was the low bidder for the plumbing package, the low bid was \$364,900; Northeastern Refrigeration was the low bidder for the HVAC package, their bid was at \$473,770; London Road Electric was the low bidder on the electrical package, and their bid was at \$688,355. When we tabulated the bids the numbers were over the estimate that we had put together. There's a multitude of different reasons for that. Predominantly it's been the labor and material cost increases that we have incurred over the last year to 18 months period of time. We reviewed the bids with all the low bidders. We had meetings with them, reviewed the references, reviewed scope of work, talked to them about the bid packages to see if we could accomplish any cost savings anywhere. And the determination we came to is, without changing the scope of the work drastically, which would jeopardize the operation of the fire station, no savings could be accomplished. So it was our recommendation to the city, basically, to proceed with those bids and accept the low bidders, and issue the contracts and get the work started."

From audience: "Can I ask just a question?"

President Albier: "Yes, go ahead."

From audience: "When you say labor, specifically what labor? Because I thought Brooklyn had an agreement that the labor, it was not going to be a problem as far as labor costs. When you say labor what specifically are you referring to, in the over-run?"

Mr. Riachi: "Being that it's a public bid and there's a project labor agreement, it was signed to perform the labor on the project, there's been some increases in the labor cost per hour that have been made over the course of the last 12 months; and obviously that would affect the overall cost. There is no problems with the labor, as far as providing it, it's just that there have been wages that were raised in the labor contract agreements."

From audience: "Was there a cost... I thought we were locked in. I thought we were locked into labor costs."

Mr. Riachi: "You're locked into the project labor agreements; but basically those project labor agreements, when they have increases in their labor, they go into effect."

President Albier: "Roger, isn't the big thing the cost of material?"

Mr. Riachi: "The cost of the material was the bigger, you know, the bigger cost of it, but obviously everything else has increased accordingly also."

President Albier: "And at one of our meetings, if I understood you correctly, you said that the costs go up so quickly that the suppliers only guarantee their prices for two weeks, is that correct?"

Mr. Riachi: "That's correct. On a lot of the material items, a lot of suppliers were holding, specifically with steel and asphalt paving, they're holding their prices for 14 days. And so basically the sub-contractors are bound by that too, because, you know, that's where they're buying their material."

President Albier: "And it was suggested that we re-bid, and we turned that down too, because the feeling amongst most of anyway was, if we re-bid the prices are going to be higher yet. Isn't that correct Roger?"

Mr. Riachi: "Well nothing is guaranteed obviously. If you were to re-bid it you won't be re-bidding till 2006, by the time we re-advertise and accept the bids, then there is a big potential that the prices would increase."

President Balbier: "And if I understood you correctly too, the advantage of going ahead with this at this point is, that even though it might be a little too late to get started, they can sign up all their contractors and line up all their materials and do all that during the next couple of months, isn't that correct?"

Mr. Riachi: "There is a process that we have to go through, obviously, that the contract agreements have to be signed by everybody, and then we have to go through a submittal process. We have to put together progress schedules and, you know, a lot of different things that are paper work related. And the next two months will be perfect for us to get those out of the way and get them put together. Then next year when the weather breaks... The building pad is ready to go. I mean, as everybody knows, the earth work package has already been awarded. And the building pad is up to sub-grade. So at this point in time, once we go through the process of the paper work, when the weather breaks, all the materials will be ordered, all the materials will be secured and released for deliveries."

President Balbier: "I'll allow anybody else if they want to question Roger, because he's leaving right after this."

Councilman J. Frey: "Well fuel costs and Katrina and Wilma and those hurricanes have a great deal to do with the increase in these costs. Has a great deal to do with the increase in costs to all of us. Because the last year fuel has gone up a tremendous amount, and steel and everything else, the same thing has happened to, because also of fuel costs. That's what I would think. That doesn't enter into it?"

Mr. Riachi: "Of course it does. I mean, that's part of the material cost increases."

President Balbier: "One more question Tom."

From audience: "If I understood the gentleman correctly, he said that all materials now would be purchased and secure. What would happen, worst case scenario, if because the weather or inclement or some defect of the equipment down there, you went into the situation again?"

Mr. Riachi: "Basically that's one of the reason why we want those contracts issued and secured now, because the contractors will be able to lock up their prices with their suppliers. And they are bound by that number. They cannot come back... Once they enter into the contract, they are locked into that number till the completion of the job. So they cannot come back and ask for material price increases."

President Balbier: "Okay, thank you Roger. Anyone else on Council? Anybody have any...? Thank you."

Mr. Riachi: "Thank you."

President Balbier: "Okay, we'll move on now to the public session. Anybody that has anything to say for the good and welfare of the City of Brooklyn, please come forward and state your name and address."

(Helen Wilson): "Good evening Mayor Patton, President Balbier and Council. Good evening everyone. At the last Council meeting there was much discussion about the legislation for sexual offenders and sexual predators. And my husband and I left pretty confused about what is going to happen. But then we went to a Democratic party meeting a couple of weeks ago, at the last one, and there was speaker there. Her name is Anna Ferglia. She's assistant prosecuting attorney, and she specializes in children and elder abuse. This speech really had an impact on me. And I thought it would be good for the community to hear her. Not only did she tell us of the differences about the sexual predator and the sexual offender, but she distributed papers for us, she defined terms, and she gave us examples of sexual offenders. She also told us how to go on the internet and bring up the sexual offenders that are in our community, and which we have some. This was a fantastic talk. Not only that, she talked about elderly abuse, especially in nursing homes. And this is dear to my heart. And I also feel that because Brooklyn, I think, is probably 50% of the elderly, I know I'm over 65, and we become vulnerable as we get older. I'm also on the Domestic Violence Committee, and this is one of our categories that we are zeroing in on this month. So I think it behooves us as a community to have Anna back to do this speech for the community, not just for the one club. And also, she is involved with other communities that has done and helped with legislation there. This lady is good at what she does, as far as children and adult abuse. I think it behooves us as a community to have her, either at the Senior Center

or at a community forum. I know it really impacted me, and there's things that I would like to do, and we're going to discuss it at the Domestic Violence Committee. I thank you, and have a happy holiday."

President Albier: "Thank you. Anyone else?"

Tom Adamski: "Tom Adamski, 9625 Melody Lane. Good evening Mayor Patton, members of Council and residents. On October 24th I apprised the community about problems I have with the vacant and abandoned property at 9629 Melody Lane. I'd like to briefly follow up on that. I made a public request letter to Mr. Ockington, and I'm going to share that information. In the year 2004 there were 246 violations, 174 for residential, 72 for business, a total of 22 tickets were issued. In 2005 there were 112 citations, 17 tickets issued. Regarding the property at 9629 Melody Lane, I must express my dissatisfaction in the outcome. After a year and a half of complaints absolutely no pictures were taken of the over-growth of the weeds or anything of the front property. No letters were issued until September 14th, which there were three violation letters. By that time the owners were gone, and of course there was no response to a letter. At the October 24th meeting... I want to commend Councilwoman Colleen Gallagher, she proposed having a workshop with the intent to educate department heads and our Councilmembers about the problems. And I want to commend Council in following up with that workshop, which was held November 16th. One of the important elements that I got out of it was that it is the responsibility of the city to declare a property vacant and abandoned or foreclosed, and to proceed with that. There is a problem in identifying foreclosures. The county is increasing their filing fees for foreclosures with intent to get more money, and to have an interactive computer system. Because the problem is, various agencies and what not, they have no reference to a website. Brooklyn has always been a bit of a pioneer of legislative enactments, and for the preservation of community integrity, I encourage Council to consider the following: One, the update Ordinance 1968-71, which was passed November 25, 1968, to include verbiage of stiffer and aggressive enforcement of violations such as high grass or weeds, unsanitary waste disposal, while residency occupancy. Two, establish a reasonable period of time, rather than discretionary, in sending violation letters by mail or hand delivered to include a reasonable response time. I also have another comment, which I would like to address to Mr. Shaper, and that's on sexual predators. When I was on the School Board, I believe the state statute says that when there is a sexual predator or offender and he's released, he'd have to be within 1,000 feet of the school driveway. In your, in stating your legal comments, you brought up the question about a constitutional infringement. And that's always a subject, whether it be a civil sue or a lawsuit. My question that I need clarified is this, if the state passes a statute and establishes a distance for a sexual predator, certainly I would think that the constitutionality question is already reviewed by the passage of the statute. So now if it comes to a matter which a Councilmember is proposing, doesn't the Council have an obligation to try to refine an ordinance to that specific need? Am I wrong in that misconception? Thank you."

Director Shaper: "I think I spoke on this ordinance for a long period of time, and I do not think that I can answer your question succinctly. I would be happy to discuss that with you, and I do not think that the answer is going to take us towards resolving this issue at this moment in time."

President Albier: "Does anyone else care to speak to the Council?"

Councilman J. Frey: "Yes, I'd like to make a comment. We can pass all the legislation you can think of, it doesn't solve the problem. And if we feel comfortable that we've done something because we passed legislation, that's not even the beginning. It's awareness of each individual, it's awareness of the parents, it's awareness of all of the people. And just passing an ordinance, giving a distance, does not make the problem go away. It makes you feel good about yourself, but then still have the problem. It stays there. It's strictly attention, attention of everybody and awareness of everybody. Thank you."

President Albier: "Thank you Mr. Frey. We'll now move onto reports from committees, commissions and boards, and the first is the Public Works Committee, and that's chaired by Mr. Greg Frey."

Councilman G. Frey: "No report Mr. Albier."

President Albier: "Thank you Mr. Frey. Second is Public Safety, and that's Mrs. Kathleen Pucci."

Councilwoman Pucci: "I have no report this evening. However we would like to schedule a meeting some time before the end of the year. We had already discussed the possibility of the POPAS, about doing it on a

trial basis, and I'd like to, you know, get something more concrete so that we can start it the beginning of next year. So we'll poll everybody and sometime before the end of the year schedule a meeting. Thank you."

President Albier: "Okay. Next is the Planning Commission, Mr. John Frey."

Councilman J. Frey: "I have no report. On my last Planning Commission, I gave that at the last meeting. There is a Planning Commission this Thursday, a meeting, at 4:30 down in the court room. And it's a request for signs for Zoresco at 8500 Clinton Road, request for sign approval at Northcliff and I-480 for additional tenant signage, a request from Ronald Gainar for FiberTower to be located on the existing wireless facility at 11240 Brookpark Road, and any other business that might come before the Planning Commission. That's all I have for that report."

President Albier: "Thank you Mr. Frey. Next is the Rec Board meeting. Our meeting was cancelled and it's been rescheduled for a week from today, which will be December 5th at 6:30 in the Mayor's Court. Next is the Finance Committee, and that's Mrs. Kathleen Pucci."

Councilwoman Pucci: "Thank you Mr. Albier. The Finance Committee had a special meeting last Monday, November 21st to discuss the bids for the fire station, and options for the new aerial ladder truck. The bottom line is that the bids came in approximately 19% over our latest estimate. And we had a brief explanation from Mr. Riachi, our construction manager, this evening. We had a lengthy discussion about possible reasons why the bids came in so high, and some different options. We did reject making any more cuts to the fire station, and we reached a consensus to accept the bids. We are already behind schedule, and there's also a risk involved if we would reject them and they would come in higher, which is probably a likely scenario. We would like to have more information on exactly where the costs were higher than our estimate. Unfortunately, we will not have that information until the bids are awarded. We did ask Mr. Riachi to give us an analysis of the bids so that we can see exactly where those costs were over our estimate, and also to give us a revised timeline on where we stand on the project. I also don't want to give up on the training tower, and we decided that the Fire Department would seek some grants to help pay for that. The other issue connected with that special meeting last week, we did decide to pay for the aerial ladder truck by a lease-purchase agreement. This is just a way of financing it. It's not like when you lease a car and you turn it back in, it's more like a car payment, it would be for 10 years. And this is instead of paying for the aerial ladder truck with the proceeds from the bond. The Finance Committee also met earlier this evening and approved the following: Authorization for the city to enter into an agreement with Petroleum Traders, they were the low bidder for our fuel, and this is through a purchasing consortium. This is the fuel for all our various vehicles. For Chief Murphy, he requested information to purchase three police cruisers through the state purchasing co-op. We did approve the five bids relating to the fire station for the general trades, the plumbing, fire protection, electrical and HVAC. We approved for Mr. Fisk to go out for bids for the financing for the lease of the fire truck. We also approved inter-fund transfers, Ordinance 2005-42, which transfers approximately \$10,000 from the General Fund into the Safety Forces Construction Fund. Ordinance 2005-43, which is the temporary appropriations for 2006. We're estimating expenditures for next year approximately \$15.3 million and revenue just over 15 million. We will meet at 6 p.m. before the next Council meeting on December 12th to discuss this more in depth. We also approved Ordinance 2005-44, which allows for one more sergeant in the Police Department, bringing that number up to seven. And that completes my report. Thank you Mr. Albier."

President Albier: "Thank you Mrs. Pucci. Next is Domestic Violence and Legislative Update, and that would be Mrs. Colleen Gallagher."

Councilwoman Gallagher: "No report Mr. Albier."

President Albier: "Thank you. Next is the Zoning Board of Appeals, and that would be Mr. Ockington."

Comm. Ockington: "Thank you Mr. Albier. There were three items on the Zoning agenda. One was a request for a variance to put a fence in the side yard at Delora Avenue, which was granted. The second item was an addition on the medical building at Hammond and Ridge, and necessary variances were granted. The third item was a variance to keep a masonry structure that was constructed in the front yard of a house on Ridge Road at Northcliff without permits, and that request was denied."

President Balbier: "Thank you. That completes the reports, we'll now go to reports from Council, and the first tonight is Mrs. Colleen Gallagher."

Councilwoman Colleen Gallagher: "Thank you Mr. Balbier. Good evening ladies and gentlemen. On November 16th we held a workshop session to address the issue of run down properties that are scattered amongst our neighborhoods. Our residents take great pride in their homes and neighborhoods, and it is a shame that isolated cases of abandoned homes threaten not only the beauty but also the property values of the neighborhood which we hold dear. We were fortunate to have Steve Bucha, Common Pleas Court Magistrate, and Colleen Majewski, Assistant Cuyahoga County Prosecutor and supervisor of the Tax Foreclosure Unit, with us to speak on the topic of foreclosures. They admitted that at times process of addressing this issue may be complicated, but this should not be a deterrent to cleaning up our neighborhoods. Through education and some hard work we can prove to those responsible that we are fed up with the careless behavior that leads to these housing conditions, while jump starting the effort to getting these properties back into shape. The process is fairly standard, and I will briefly outline it for you. When a property is in despair, a complaint must be filed in Common Pleas Court where the case is referred to the Magistrate's department. After service is perfected, when the necessary parties are notified of the complaint, the plaintiff will review the claim to ensure that it is complete. This action may take on an average one to three months. The plaintiff will then file for a default judgment and request a hearing. The case will be set for a hearing by the Magistrate's department, which will generally be scheduled within a month, as long as all necessary items are present - the court file, motion for default judgment, and the property's title work. A hearing will then be held, and if the plaintiff has successfully established its right to the foreclosure, the Magistrate will order the Sheriff to set it for Sheriff's sale. This order generally takes a week. Barring any objection to the foreclosure, the Court of Common Pleas may adopt a Magistrate's decision, which would take up to three weeks. Objections may temporarily prolong this adoption. Should the property go to the Sheriff's sale, the order of sale will be issued by the Clerk of Courts. The Sheriff will establish a minimum bid, advertise the sale, and hold the sale on a scheduled day. Eight days after the sale the court reviews the proceedings. If appropriate, the sale will be confirmed. The Sheriff then prepares a deed, which takes about a month. From here, anybody living in the house will be evicted once the Sheriff executes a writ of possession. As mentioned, this process is subject to delays; however, education will hopefully limit such delays. Properly handled cases will take three to six months to reach judgment, seven to 12 months to reach the Sheriff's sale, and nine to 15 months to reach a stage where a new owner may take possession of the new property. This may seem difficult, but these are the necessary steps that we must take to ensure the quality of our neighborhoods. We must not let a few isolated deplorable properties detract from the beauty of our city. It is our right and our duty to maintain the high standards that we share for all our neighborhoods. Also, Cici's Pizza will be donating 10% to the Academic Booster Club tomorrow from 4-8 at Ridge Park Square, so please stop up and mention Brooklyn's Academic Booster Club. Kit Krause called me and just wanted me to give that update. And congratulations to all the poster calendar winners. And Helen and Tom, thank you for your comments. Anna did an exceptional job at the Democratic Club meeting on Friday. And as Helen talked about, she talked on sex offenders, and she talked about how to avoid scams and frauds. And Mayor, I think maybe in the future, Assistant County Prosecutor Anna Paraglia could come to one of your coffee clutches and maybe speak to the senior citizens, as she did an excellent job. And one thing she talked about is, your telephone is one of the easiest ways for a con artist to get your money. These scams may start with a post card promising cash and prizes if you call an 800 or 900 number. When you do a friend voice asks for your credit card number to verify your identity, then the high pressure tactics begin to convince you to buy the merchandise. Many factors make senior citizens more vulnerable to this type of scam. When the scam artist calls, senior citizens are more likely to be at home, have time to talk, and be willing to listen. Some of the favorite techniques used are: the element of surprise, the unexpected call with high pressure sales pitch, urges you to act immediately for a once in a lifetime deal, you are given no time to evaluate the deal and must act on the same day, the attempt to get personal information such as your credit card, telephone calling card, checking account numbers. With this information scam artists could withdraw money from your checking account or use your credit card to buy goods, and require you to pay shipping and handling or taxes before receiving any merchandise. Even then you may never receive what is promised, or may get something of far less value. Here are some tips she told us. Never give your credit card, checking account, social security or telephone calling card numbers, or any other personal information about yourself. Never pay for a prize over the phone. That includes paying postage, shipping and handling, or any other costs for something the caller says you have won. And never allow a caller to pressure you into acting immediately. The law prohibits telemarketers from calling consumers who have stated that they don't want to be called. Never agree to any other offer until you have it in writing. And in some states, law prohibits a

company from requiring you to make a purchase, pay money, or sit through a sales presentation to receive any kind of prize. So this is very important because these scams are out there. I see it in court every day, and it's becoming a big thing. I had a lady about two years ago who called me, and she had given her money to some man, and she didn't want to call the Police Department. She was very embarrassed, she lost a lot of money. So she asked me, since I work in the courts, if I knew a lawyer, and I told her she needed to contact the Police Department first. So I know she moved out of the city since then, it's been awhile, but it is happening out there. So, you know, be careful. And then, one other thing, I spoke recently to a friend who lives in Parma. She was expressing her enthusiasm for legislation being considered which would institute a no not-knock list within their city. This would institute guidelines regulating door to door solicitation protecting the privacy of residents. I believe this idea holds considerable merit, and I would like our Law Director Tom Shaper to investigate the legality of such an ordinance and submit a report on a later date. You still work out in Parma, Tom?"

Director Shaper: "Yes."

Councilwoman Gallagher: "Okay, thank you very much. And that completes my report."

President Balbier: "Thank you Mrs. Gallagher. Mr. Frey."

Councilman Greg Frey: "Thank you Mr. Balbier. I would first like to acknowledge the passing of several people in the last week that certainly have impact and friends in Brooklyn. Joe Enovitch, his son was a Councilman here at one time. The Enovitch's were very active with the senior group. Mr. Enovitch was a very wonderful man, very jovial man, and he certainly... I mean, the Enovitch family has had a lot of trial and tribulation over the last couple of years. I hope we all remember them in our prayers. Frank Santor, who didn't really live in Brooklyn, he lived in Brooklyn Acres; his daughters Maggie and Arlene and Patty are known to many of us through the years, through various functions throughout the city. Santors again, another Brooklyn, well, another family with very close Brooklyn connections that will be missed. And Mike Monchek. Mike, many of you may know Sheila Zeth, either from Brooklyn or from the Mental Retardation, what is it, the Board of Mental Retardation, and she's been very active in that. And her husband, Mike Monchek, passed away suddenly this week. So please remember all of them in your prayers. I hope that everybody had as wonderful a Thanksgiving as my family did. It was truly a tremendous holiday for us. It was food, family, a little football, maybe discuss a little politics. We had a wonderful time, it was a great day. And I want to talk for just a second about the abuse of the children and what not. You know, we as citizens have, I believe, fundamental right to protect ourselves against those who would prey upon us and our children. Okay? The way we do it, as John Frey just said, we must be vigilant. We must be vigilant about our parents, we must be vigilant about our children, we must be vigilant about ourselves, when we're in parking lots or at shopping malls or at schools or wherever we are. We must constantly... That's the price we pay for the society that we live in. We're a very go, go society. We have too many cars, we've got too many things to do, and people are waiting for us not to be paying attention, and they take advantage of us. As a society we have a right to do what we can to remove some of those people from our midst. We must hold our court system accountable, we must hold our legislators accountable, we must hold our law enforcement accountable to help us. But we have fundamental accountability that we must provide, okay? We have to notify the police when we see something going wrong. We must be involved in our schools to make sure we know what's going on at them. We must protect our children. We must take care of our elderly. Those are our responsibilities. So we will pass legislation here tonight that tries to address, you know, where certain kinds of people can be in relation to our public facilities. But each of us every day has a contribution to make along those lines to make us safer. And when we start paying attention to what goes on in our court rooms, and to what our legislators are doing on our behalf, to what law enforcement is doing, and we start insisting that some of these people be removed from our midst, that's when something will happen. So I just throw that out there, that's how I feel about it. And I ask you to think about it. Thank you Mr. Balbier."

President Balbier: "Thank you Mr. Frey. Mr. Coyne."

Councilman Tom Coyne: "Thank you Mr. Balbier. Good evening to all. I hope everyone had a very happy Thanksgiving. My sympathies to the Enovitch, Santor and Monchek families on their losses. And a couple comments on the fire house bids. Our project coordinator was here earlier this evening, gave some comments on it. I've had numerous questions and comments from residents throughout the city about it. And at the last Finance meeting, work session we had last week, I specifically asked Mayor what he

proposed, since he had much more information on the status of what happened on the bids, and we as Council had. And as quoted in the Sun News, he said, 'One suggestion is to accept some bids and not others, like the high bids that came from some of the different trades.' In reviewing our options, we find that re-bidding would delay the project from seven to eight weeks. Another concern is that re-bidding could increase costs, not decrease costs. So as it was submitted, we decided, we, Finance Council, decided to approve the bids as submitted. I would hope that the addition of grant submittals, which there are a lot of them out there, and there's a lot of awards that are given out to various cities for grants, the different things, and this would be included as one of the things that could gain awards from grants, would help provide the additional funds, or some of the additional funds, to pay for the increased cost over the original bids. Mayor, I know you pass the new fire house construction site on an almost daily basis as you leave from your house, I'm concerned about the trash left in the southeast corner of the project since the shut down. And it looks bad for the city. And I would hope as Mayor that you could have the contractors involved in placing the trash there take care of the problem."

Mayor Patton: "They've already been notified Tom, thank you."

Councilman Coyne: "Okay. I know several months ago there was an article, and I believe it was an OSHA flyer that they put out every month, that someone, I believe it was youngsters, were playing on some pipe that had been stacked at a construction site, similar to what's been done here, and somebody got seriously hurt. And as we have probably hundreds of school children passing that site on a daily, or weekly, basis, it's something that we need to take care of. I think, as the Mayor said, either clean it up or fence it in, something to keep the kids off of it and make our city look better. And congratulations to the recycle calendar poster winners, they've done a tremendous job. A large number of them were here earlier this evening and got awards for their good work. That's all I had."

President Balbier: "Thank you Mr. Coyne. Mr. John Frey."

Councilman John Frey: "Thank you Mr. Balbier. We had a great Thanksgiving. I was at Gregory's house, his wife's a great cook. And that's what children do, they invite their parents to Thanksgiving dinners and save the older folks from doing all the work. So thank you Greg and your wife, that was a wonderful Thanksgiving. We all have a lot to be thankful for, and one of the things I'm very thankful for in Brooklyn is our Service Department. That bunch of people in the Service Department, whether it's raining, whether it's snowing, whether the wind is blowing, or sleet or snow is coming down, they are there every day. You can set your watch by them. So I want to say, for all the other things I'm thankful for, one of them is the Service Department at the City of Brooklyn. They do a wonderful job. And that's all I have to say, that's my report. Everybody have a great winter. I'm looking forward to it. Thank you."

President Rich Balbier: "Thank you Mr. Frey. I only had a couple of things. I was going to ask about the firemen's contract, because it wasn't in our packet this evening. But I talked to Mr. Fisk this afternoon, and he explained to me that everything's been worked out, and a new contract was typed and sent over to the Fire Department, and they're just waiting for it to be returned. And the other thing I was going to talk about tonight was scams, but Mrs. Gallagher beat me to the punch. So the reason I was bringing it up, though, is someone tried to scam me about two weeks ago, and I'm going to explain to you how it worked. My wife was down the basement in the computer room, and she comes up with a letter, she says this was sent to you. So I looked, I read the whole letter, and supposedly it was from a law firm. And the key thing right away that sent up red flags, the law firm was located in Malaysia. And they said there they have a client with the last name of Balbier, and he passed away, and the banks are after them to disperse the money. And so they're trying to locate the next of kin. So since I have the same last name they were willing to represent me for this estate, which was valued at \$19 million. And the thing that got me, it says, all legal documents to back up your claim as the next of kin will be provided. So right away you knew it was a scam. So I didn't answer this, but I'm sure if I had answered this the next letter would have been they needed my account numbers. So just be careful, because all these scams increase around Christmas time. And I remember when we had one in the Police Department, this woman was scammed out of their life savings. She had \$10,000 in the bank. Her only concern was that we didn't tell her husband. I said, we have to tell him eventually. She said, no I don't, I'm never going to tell him. So I don't know how that worked out. But just be careful. And that's all I have. And Mrs. Pucci, you're up next."

Councilwoman Kathy Pucci: "Thank you Mr. Albier. I too hope everyone had an enjoyable Thanksgiving holiday. I'd also like to offer my condolences to the Enovitch family in the passing of Mr. Joe Enovitch. Mr. Enovitch always had a smile, even as the family went through very tough times, he always had a smile; and he was also for many years one of the official picture takers over at the Senior Center. And he took a lot of great pictures and he always shared them with everyone. He's really going to be missed. The family has my deepest sympathy, and they're in my thoughts and prayers. Congratulations to all the winners of the recycling poster contest. We've got some very talented artists here, and I don't envy the judges who have to make the selection of the winners. Last week I attended the coffee with the Mayor, and the speaker was Mrs. Lynn Wieland, who we had honored here a couple Council meetings ago. She is representing our area at the White House Conference on Aging. It was very interesting and informative, and the Brooklyn residents who were there had an opportunity to express what their concerns were regarding aging, for her to bring up at the conference. We also announced a benefits check-off for persons who are 55 years or older or disabled. I had asked Mrs. Wieland to bring this program to Brooklyn, it's been very successful in Parma. It's going to be at the Brooklyn branch of the Cuyahoga County Public Library, Thursday, December 15th between 9 a.m. and 3 p.m. And if you need a ride you can call the Senior Center, they will be providing transportation that day. Basically, residents can pick up an application that they can fill out ahead of time, which will expedite the whole process. This program will screen for 70 programs that people may be eligible for, and not everything is tied to low income. You don't have to give your name or your social security number to get this benefits check-up; however, you do have to provide information on your income. I asked about the confidentiality issue, because I know some people are concerned about giving out personal information on their income. And they do not have to worry about anyone sharing this information. This is sponsored by the Cuyahoga County Department of Senior and Adult Services. So these people who are providing this assistance are not going to go and be discussing anyone's personal business with anyone else. And this is also one of the reasons why they're providing the applications ahead of time, so that someone doesn't have to sit there and say, well, how much money do you make, what are the prescription drugs you're on. You can fill this all out ahead of time, and all you have to do is hand them the paper. Once they input the information it takes about two minutes, and you do have an answer on some programs that you could qualify for. And it's everything from property tax discounts, telephone discounts, home energy assistance, in-home care, employment services... There's a lot of programs. There are some prescription drug companies that provide assistance to people paying for their prescription drugs. So then it is up to you, once they tell you if you qualify for any programs, it's then up to you if you want to actually follow through and make the application. So I would like to encourage everyone to give it a try. They've had over 100-some people in Parma that have been screened very successfully. And Leanna, maybe you could put something in the Sun News announcing that. I would appreciate it. I'd also like to congratulate and thank all the volunteers of the Brooklyn Animal Shelter for the successful holiday bazaar that was held at the high school. I couldn't make it that day, so I came and helped set up. And I'd also like to mention that there were several members of the high school basketball team who were waiting for their practice to start, and when they saw us struggling to move these big, heavy tables, they stepped forward and, you know, volunteered, a couple of them volunteered, and then we asked a couple of them. And I'd just to thank them, because a lot of times young people kind of get a bad rap unnecessarily. But these young men stepped up, helped us out and move all the tables around and set everything up. So I'd like to thank them. Thank you to Mrs. Gallagher for arranging for the speakers on the foreclosure process, it was very informative. I think we all learned a lot about the process and what some of the obstacles are. And also what the county is trying to do to streamline the process. And Mr. Albier, what you mentioned about the scams, I got the same e-mail, only I think the relative was from Nigeria. I think that one has been going around. I actually got my second one last week. But something else to be cautious about is the charities that solicit you. I always ask a lot of questions. I got a call a few weeks ago, they said they were calling on behalf of the Navy. Now the Navy isn't just going to call people up. And they were looking for donations, money, to buy the phone cards and the different things that just make life a little bit more comfortable for our servicemen and women. So as I was questioning the woman who had called me, obviously she wasn't from the Navy but she was from a company, and when I asked, you know, where she was located, and how much of the donation actually goes to buy these goods for the servicemen and women, it was 3%. So the company that is soliciting the funds, they were getting 97% and, you know, what you thought you would be purchasing for servicemen and women is only 3%. Now charitable organizations don't turn this down, because they look at it, well, that's some money that we wouldn't have had anyway. So I just would like to caution people, because there are a lot of charities out there where most if not all of the money does go to the actual charity. So just be careful and ask a lot of questions. And we are going to be going into a brief executive session at the end of the meeting to discuss negotiations. And that completes my report Mr. Albier."

President Albier: "Thank you Mrs. Pucci. Mrs. Brown."

Councilwoman Rita Brown: "Thank you Mr. Albier. I have a very short report tonight. I want to congratulate the winners of our calendar contest. And we had a darling little kindergarten girl tonight that was a winner, and she was so shy and so sweet that she just touched our hearts when she received her award. I did have calls of trash on the treelawns. I guess you can call me the trash Councilwoman. I'm the one the people call, and I ask you to call me when you see this. However, I did not have a call on Thanksgiving day. Now it could be that I was in Medina on Thanksgiving day and that's why I didn't get any trash calls. But I hope that our residents are more and more aware that we don't want this in our city on weekends. We are not trash city, we are Brooklyn. And we want to keep our city nice and neat as we have always had it previously. And I want to reassure you that on the matter of the fire station, we did intensive, and I mean intensive study and concern on all the problems involved in this, and the rising costs, and what to do about the over-bid of 800,000 and how are we going to handle the new fire truck. But I really believe we have solved the problems. It is workable. We will do it. We did not take this lightly. We will do it. And also with the sexual predator problem, yes, we are going to do something. You know, it's pointed out to us, oh, we have to be careful of the predators' civil rights. No, we have to protect our civil rights. And I totally agree with the Mayor and Greg Frey and everybody on this Council, and all of our residents. We will make every attempt to protect our civil rights. And that completes my report."

President Albier: "Thank you Mrs. Brown. That completes the reports of Council, we'll now have the Mayor's report."

Mayor Ken Patton: "I would like to thank the teachers and the students from St. Thomas More School who donated 2,255 pounds of food to my Feed Families on Thanksgiving program. I also must thank Sam's Club who donated \$1,000 and also Max and Erma's who donated \$500. I purchased 30 turkeys from Giant Eagle, then my staff packed the complete dinners into boxes donated by Creative Office Products, Mr. Bill Johkiletto, a Brooklyn resident and graduate, thank you. And then the Brooklyn High School varsity basketball team helped deliver these dinners to the people who were chosen by the churches in our area. We didn't know their names, the churches gave us the addresses, we dropped them off. It's the right thing to do. You care about people. And as Council reflected this evening on what we have to do to protect our children and our elderly, it's the right thing to do. So let's pay attention. And I think Brooklynites do a great job of that. I also want to thank Mrs. Ryan's third grade class, who invited me over to Brookridge Elementary, to read in their classroom for Right to Read week. And I encourage everyone to help a child to read. This week the third graders from Brookridge, St. Thomas More and Heritage Christian School will come up to City Hall and they'll be decorating all our Christmas trees around City Hall. I too wish to pass on sympathies to the Enovitch family, the Moncheks, Santor families, and all who lost loved ones. A very difficult thing to go through on holidays. I also met with Mayor Elect Frank Jackson, and his message to the Cuyahoga County Mayors and Managers Association was quite simple. Let's work together for the betterment of our region. And he has our pledge, and he has my pledge, and we're going to move forward. That's our neighbor on three sides, we need to continue to work with them. For all those who were taking bets on Thanksgiving, my son passed the potatoes to me without incident. And we also have a person running around, my mother-in-law heard this after church the other day, that the reason the fire station doesn't have any workers working over there is because they ran out of money. Well we didn't run out of the money, phase one is over, that was the excavation; phase two will be what is before Council this evening, and we will move forward. Don't forget about the Brooklyn tree lighting. It's going to take place on December 2nd at 7 p.m. Santa Claus, Mrs. Claus and Santa's elves are scheduled to arrive at 7 p.m. at the grande pavilion, and then we will go inside the Senior Center. We will have the Brooklyn High School Show Choir, a story narrated by the Mayor, and then the Brooklyn High School Jazz Combo will play at 7:45 inside the Senior Center. Refreshments will be served. Then on Sunday, December 4th, it's going to be a busy day as we have Skate with Santa from 2:30-4:30; and then when Santa's done there he's going over to the Senior Center and he's going to take pictures free of charge for everyone. I will be donating that. We will have the Brookridge School Choir at 5:00, and then at 5:30 Brooklyn holiday singers will entertain us. And we will have crafts, cookies, refreshments. Thanks to our sponsors Eschuk Landscape, Wal-Mart, Lowe's. Cookies and hot chocolate donated by the Mayor and City Council. And we thank our volunteers, and we couldn't make this program work without our volunteers. There will be a Christmas luncheon at the Senior Center, it's a luncheon and dance on December 8th. Lunch is served at 11:30, dancing at 1:00, music provided by Bob Spiwak Band, and the tickets are on sale over at the Senior Center now, their cost is \$7. And also the ceramic teacher has painted a beautiful

ceramic Christmas tree and three piece nativity set to raffle at our Christmas lunch and dance on Thursday, December 8th. And tickets can be purchased at the front desk of the Senior Center, \$1 apiece or six for five. And that is my report."

President Albier: "Thank you Mayor. Next we'll have the directors' report, and the first one is the Finance Department, and that's Mr. Fisk."

Director Fisk: "Thank you Mr. Albier. Just one item. Tonight before Council is the 2006 Temporary Budget. Each member of the administration and each member of Council received a booklet that gives the basic assumptions on the construction of that budget, and a line item by line item review of all of the revenues and expenditures that go into making up the budget. There will be a copy available at the reception desk here at City Hall for any members of the public who wish to go through and review the 2006 temporary budget. Thank you."

President Albier: "Thank you Mr. Fisk. Next is the Service Department, and that's Mr. Kappler."

Director Shaper: "Mr. Albier, no report this evening."

President Albier: "Thank you Mr. Kappler. Next is the Building Department, Mr. Ockington."

Comm. Ockington: "Thank you Mr. Albier. I would like to remind low income residents that they may be eligible for the home weatherization grants to reduce their winter heating bills, and a Home Energy Assistance Program to pay those heating bills. Applications are available in the Building Department and Senior Center. That concludes my report."

President Albier: "Thank you Mr. Ockington. Next is the Police Department, Chief Murphy."

Chief Murphy: "No report Mr. Albier."

President Albier: "Thank you Chief. Next is the Fire Department, Chief Duchoslav."

Chief Duchoslav: "No report sir."

President Albier: "Thank you Chief. Next is the Law Department, Mr. Shaper."

Director Shaper: "No report."

President Albier: "Thank you Mr. Shaper. Next is the Rec Department, Sandy."

Mgr. Balzer: "Thank you Mr. Albier. I want to reiterate the Skate with Santa, December 4th from 2:30-4:40. Residents and their guests will be admitted free. Skate rental and non-resident rates will be in effect. You must show your Brooklyn resident identification card to receive the resident privileges. Our learn to swim registration for the second session of learn to swim will be held on December 17th and 18th for residents, and on December 18th for non-residents between the hours of 11 a.m. and 1 p.m. Residents are \$22.50 and non-residents are \$35. The classes will begin January 2nd and run through March 6th. We've been installing security cameras throughout the building and for the parking lots, and those are completed. And so that you can feel secure and safe and to help secure the parking lots, and everyone can feel safe over at the Rec. We had a major steam room repair. The repair is complete, and so those of you that would like to come back and enjoy the steam room, please feel free. This weekend over Thanksgiving, I hope everyone had a nice Thanksgiving. I want to thank all the recreation staff that worked this weekend. We were closed on Thanksgiving, but we had the Holy Name High School hockey tournament. So I want to thank all the staff and the tourney participants for coming and enjoying a great weekend of hockey. It ended up that last night Western Reserve beat Holy Name in overtime 5-4. But want to thank everybody for coming. The St. Ignatius J.V. hockey tournament will be Friday, December 16 – 18, so come on up and see some, there is no gate, so come on up and see some hockey with J.V. teams. The Brooklyn High School Holiday hockey tournament will be December 27-29. So when you're off for the holidays and you want to see some hockey, come on up to the Rec. The facility hours over the holidays: for Christmas Eve and New Year's Eve, the Natatorium hours will be 8-1, 8 a.m. – 1 p.m. on those two dates, from 8-10 a.m. is adult senior lap swim,

and from 10 a.m. – 1 p.m. on those dates is open swim. For the skating rink, from 8 a.m. – 10:15 will be public skating, and then we'll do an ice cut, and then from 10:30 – 1 will be public skating. We will be closed Christmas Day and New Year's Day. We will be having a summer job fair, and those interested in summer employment with the Rec Department may fill out an application on Saturday, December 17th at the Rec between the hours of 10 a.m. and noon. And applicants must attain their 16th birthday by June 1, 2006 to apply. And like Mr. Albier said, due to some health reasons, we had to cancel the Rec Board meeting, and we will be meeting again this Monday, December 5th at 6:30 in the Mayor's Court. Thank you."

President Albier: "Thank you. I'm going to change it a little bit here, and now we'll have audience remarks. If anyone has anything they wish to say on legislation that's on the agenda. If not, we'll move on. The first is from Mr. Kappler requesting an authorization to enter into an agreement with Petroleum Traders in cooperation with the purchasing consortium as the lowest bidder to purchase fuel for the City of Brooklyn. This was discussed at the Finance Committee."

Councilman Coyne: "Move to approve."

Councilwoman Pucci: "Move to authorize. Second."

Clerk Fisk: "To approve the bid for fuel, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next is from Chief Murphy. He states, 'I am requesting permission to purchase three 2006 Crown Victoria police cruisers at state contract pricing. The price per unit is \$23,619.50 per vehicle, with an additional charge of \$250 for the CD-Rom manual. The total cost for the three cruisers delivered, including the shop manual, will be \$71,108.50. The units include a three year, 75,000 mile warranty with no deductible.'"

Councilwoman Pucci: "Move to approve."

Councilman Coyne: "Second."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To approve the purchase of three police cars, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "And the next item was introduced by Mr. Fisk, it's for the financing of the aerial ladder truck, and I'll just read the last paragraph. It says, 'I recommend that the aerial ladder truck be purchased on a tax exempt lease. At a recent meeting with the finalizing the set-up of the truck, items were added, others were deleted. The price of the truck is not \$832,019. With your concurrence I will take bids to lease the new fire truck for that amount.' Motion for Mr. Fisk to now seek bids."

Councilman G. Frey: "So move."

Councilwoman Pucci: "Second."

Clerk Fisk: "To approve the use of the lease to fund the new fire truck, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next five items are bids for the fire station. The first one is for Dunlop and Johnson. It is a long-established company with a good record of performance with proper bonding and insurance. I recommend that the base bid be accepted and that the Mayor be authorized to enter into a contract for the general trades portion of the construction of the new fire station at the amount of \$2,425,000. And that's submitted by Mr. Kappler."

Councilwoman Pucci: "Mr. Albier, there was a typo, it should be 2,415,000."

President Albier: "That's right, we corrected everywhere except here. 2,415,000."

Councilwoman Pucci: "Move to authorize the contract with Dunlop and Johnson for \$2,415,000."

Councilwoman Brown: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To approve Dunlop and Johnson as...."

Mayor Patton: "Pardon me. The bid is \$2,415,500."

Councilwoman Pucci: "Oh, \$500."

Councilwoman Pucci: "Move to authorize the bid to Dunlop and Johnson for \$2,415,500."

Councilman G. Frey: "Second."

Clerk Fisk: "To approve Dunlop and Johnson as the general trades contractor, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next one is for the plumbing. E.B. Katz is a long-established company with a good record of performance and has proper bonding and insurance. I recommend that the base bid be accepted and the Mayor be authorized to enter into a contract for the plumbing portion of the construction of the new fire station in an amount of \$364,900."

Councilwoman Pucci: "Move to award the bid to E.B. Katz for \$364,900."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the award of the plumbing portion to E.B. Katz, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."

"Kathy Pucci."
"Rita Brown."

Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next contract is for fire protection. S.A. Comunale Company is a long-established firm with a good record of performance. They are properly bonded they are properly bonded and insured. I recommend that the base bid be accepted and that the Mayor be authorized to enter into a contract for fire protection portion of construction of the new fire station at an amount of \$56,250."

Councilman J. Frey: "I move that we award this bid to S.A. Comunale for \$56,250."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the award of the fire protection contract for \$56,250, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Colleen Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "And the final... It's not the final one. For the electric is the London Road Electrical Company is a long established company with a good record of performance and proper bonding and insurance. I recommend that the base bid be accepted and that the Mayor be authorized to enter into a contract for the electrical portion of the construction of the new fire station at an amount of \$688,355."

Councilman J. Frey: "I move we award the bid for the electrical contract to the London Road Electrical Company in the amount of \$688,355."

Councilwoman Pucci: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To award the electrical bid to London Road, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next bid is for the HVAC portion of the construction. Northeastern Refrigeration is a long established company with a good record of performance and properly bonded and insured. I recommend that the base bid be accepted and that the Mayor be authorized to enter into the contract for the HVAC portion of the construction of the new fire station at an amount of \$473,770."

Councilman Coyne: "Move to approve."

Councilman J. Frey: "Second."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To approve the award of the HVAC contract, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "And that concludes all of the bids for the fire station. Next we have **RESOLUTION 2005-18**. In support of all Senate and House Bills which increase penalties for the crime of child molesting and related crimes. And Mrs. Brown has requested that I read this in its entirety. And since I have a lousy voice and a bad throat, so would you please just bear with me. A Resolution in support of all Senate and House Bills which increase the penalties for the crime of child molesting and related crimes. Whereas, the Mayor and the Brooklyn City Council believe that they have a duty to do everything within their powers to assure that children are protected from child molesters. And whereas, the Mayor and the Brooklyn City Council believe that there is no place in society for one who seeks to molest and/or cause harm to a child. And whereas, the Mayor and the Brooklyn City Council believe current federal and state laws do not effectively deter child molesters from committing violent and vile acts. And whereas, a number of child molesters are convicted and allowed to return to society. And whereas, a number of children have been subsequently molested by convicted sex offenders. And whereas, the Mayor and the Brooklyn City Council believe that a civilized society cannot allow a convicted child molester the opportunity to cause irreparable damage to another child. And whereas, there are a number of Bills currently pending in the House and the Senate which promotes some of the interests stated in this Resolution, including, but not limited to House Bill 383, House Bill 284, Sub-Bill House Bill 15, House Bill 118, House Bill 227, House Bill 217, House Bill 191, House Bill 26, Senate Bill 17, and Senate Bill 137. And whereas, the Mayor and Council believe that it should be the priority of all federal, state, county, municipal legislators and judges to allow children to live in a society which is safe. And whereas, the Mayor and Brooklyn City Council believe that it is the public's interest to request that the federal and state legislators draft and pass Bills which increase penalties for child molesters. And whereas, the Mayor and the Brooklyn City Council believe that it is the public's interest to request that federal and state legislators draft and pass Bills which prohibit convicted sex offenders from ever being allowed in playgrounds, parks and recreational facilities. And whereas, the Mayor and Brooklyn City Council believe that it is in the public's interest to request that the federal and state legislators draft and pass Bills which do not allow child molesters to return to society in a manner whichever allows them the opportunity to cause harm to another child. Now, therefore, be it Resolved by this Council of the City of Brooklyn, Ohio, County of Cuyahoga and State of Ohio. Section 1. That the Mayor and the Brooklyn City Council strongly urges the passage of all Senate and House Bills which serve to deter the act of child molestation, including, but not limited to House Bill 383, House Bill 284, House Bill 15, House Bill 118, House Bill 227, House Bill 217, House Bill 191, House Bill 26, Senate Bill 17, and Senate Bill 137. Section 2. That the Mayor and the Brooklyn City Council request that the federal and state legislators draft and pass Bills which do not allow child molesters to return to society in a manner which ever allows them the opportunity to cause harm to another child. Section 3. That the Mayor and Brooklyn City Council request that the federal and state Legislators draft and pass Bills which prohibit convicted sex offenders from being allowed in playgrounds, parks and recreation facilities. Section 3. That the Clerk of Council is hereby directed to transmit copies of this Resolution to members of the federal and state Legislatures. Section 4. That this Resolution is hereby declared an emergency necessary for the immediate preservation of health, safety and welfare of the citizens of Brooklyn, and provided it receives an affirmative vote of 2/3 of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law."

Councilwoman Brown: "Thank you Mr. Albier. Move to approve Resolution 2005-18."

Councilman Coyne: "Second."

Councilwoman Gallagher: "Second."

Councilwoman Pucci: "Are you going to suspend the rules? Introduced by all, suspend the rules."

Councilwoman Brown: "Suspend the rules."

Clerk Fisk: "To suspend the rules, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Clerk Fisk: "To adopt, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Next is **ORDINANCE 2005-42**. An Ordinance authorizing inter-fund transfers and advances during 2005. And this is to advance from the General Fund to SF Construction \$10,018."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To suspend the rules, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Clerk Fisk: "To adopt, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "The next one will be its first reading. This is **ORDINANCE 2005-43**, Temporary Appropriations. A motion to put on first reading."

Councilwoman Pucci: "Move to put on first reading."

Councilman Coyne: "Second."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To place Ordinance 2005-43 for temporary appropriations for 2006 on first reading, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Next is **ORDINANCE 2005-44**. An Ordinance establishing the personnel for the Division of Police within the Department of Public Safety of the City of Brooklyn. I'm going to read the first couple sections. Now, therefore, be it ordained by the Council of the City of Brooklyn, the County of Cuyahoga and the State of Ohio. Section 1. That the Division of Police within the Department of Public

Safety of the City of Brooklyn shall not exceed 40 officers, inclusive of all ranks as its full complement of personnel. Section 2. That there shall be a total of seven or less sergeants in the Division of Police. Section 3. That all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or any part thereof are hereby repealed. Motion?"

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To suspend the rules, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Clerk Fisk: "To adopt, Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Next is **ORDINANCE 2005-45**. Enacting Section 539.22 of the Codified Ordinances of the City of Brooklyn of Ohio entitled 'Persons Prohibited on Playgrounds, Parks and Recreation Facilities'. Mr. Shaper, you want to make a comment on this or not?"

Director Shaper: "I do not."

Councilwoman Pucci: "May I be recognized?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "First of all Mr. Shaper, thank you for your work on this ordinance and the resolution, and also thank you for getting us copies of all the pending legislation that's out there. I appreciate that. It was very informative. In Section 1(a)(2) under Park facilities, I'm going to suggest that we make building plural into buildings. But also, after the Recreation Center, that we also add the Natatorium there. And could you just elaborate on, in Section B the meeting of public bodies? I'm assuming that that is so we're not violating anyone's right to attend, for example, like if it would be a Council meeting or a Rec Board meeting, something like that. Is that what it is?"

Director Shaper: "That is the intent, that is correct."

Councilwoman Pucci: "Okay, thank you. So I'm going to move that we amend it to make building plural and add the Natatorium."

Director Shaper: "Rich, may I comment on this? I would like to say something."

President Albier: "Yes Mr. Shaper."

Director Shaper: "I would like to say this to summarize matters. Your Council, your administration, is committed to do everything that they can legally do to make the city as safe for the children and adults as possible. And I agree with the sentiments. And whatever we do, we do as a group, and I am for the sentiments that are there. I do want to address one other issue that is out there. And if we're going to talk

about probably as despicable a crime as there is, I want to read one paragraph that, in researching this, and it's not pleasant researching this, it's not pleasant at all. Here is a paragraph that I just want people to realize. The FBI estimates that there is a sex offender living in every square mile of the United States. One in 10 men has molested children. Most child molesters are able to molest dozens of children before they are caught, and have a 3% chance of being apprehended for their crimes. Boys and girls are at nearly equal risk to be abused, and almost a quarter will be molested sometime before their 18th birthday. Fewer than 5% will tell anyone. The overwhelming majority of child victims are abused by someone they know and trust, someone most parents would never suspect. No one can protect your children but you. Educate yourself and your family about child abuse. Don't let a child molester do it for you. Here's why I'm bringing it up. It's a really serious topic. Everybody, we have our political differences at different times. There isn't one person here that wants to see any incidents of this occurring in Brooklyn. But please, if you're at home, I can provide resources, books that are cited. It's an education process. We will uphold our end of the bargain. It really comes down in large part to people recognizing that this is a societal problem. And I don't want to minimize what Greg Frey and John Frey are telling you, we will do the legislative part of it, whether we all agree unanimously on all aspects of that, that's part of it. But education and being aware. And what I'm saying to you is, from reading what I've read in this, the person who has access to your children is very often the one you have to be most worried about. We're doing our end from the convicted child molester. But let's be active preemptively. Let's not allow the person to strike once. Check up on where your kids are, check up on who's with your kids. That's the best advice I know how to give from my end."

President Albier: "Thank you Mr. Shaper. Does anyone else wish to comment before we vote?"

Councilwoman Pucci: "May I make one other comment?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "As an alternate in our Capital Improvement Fund for 2006 we have a swipe card ID system for the Rec Center, and I know that there's other rec centers that have used this. Because we require everyone, whether they're a resident or nonresident, to have a rec ID before they come into our facilities. And if we get on the swipe card system, that also can alert us that the person has been convicted, or is a convicted sexual offender. So I know that there are other rec centers that are using this. You know, it expedites the whole checking in process too, but that would be another tool that we will have available to us."

President Albier: "Thank you. I just want to re..."

Councilwoman Gallagher: "Mr. Bal... I'm sorry."

President Albier: "I'm sorry, go ahead Mrs. Gallagher."

Councilwoman Gallagher: "I just want to thank my colleagues for supporting this legislation, and Mr. Shaper for drawing up the legislation. I appreciate it, thank you."

President Albier: "I just want to read two sentences out of the ordinance that summarizes, that's all. Section B says, 'No registered offender shall enter or remain upon any park facilities except, and only to the extent necessary, to attend a meeting of a public body.' So in otherwords, they're not allowed in the park, period. 'And whoever violates this section shall be guilty of criminal trespass, as provided in Section 541.05 of the Codified Ordinances of the City of Brooklyn.' Need a motion."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second."

Councilwoman Pucci: "Oh, we need to amend first?"

Clerk Fisk: "You need to amend first. We have a motion to amend, there's no second as of this point."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second on the motion to amend."

Clerk Fisk: "Thank you. To amend Ordinance 2005-45, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Councilwoman Pucci: "Introduced by all, suspend the rules, as amended."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To suspend the rules, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Clerk Fisk: "To adopt Ordinance 2005-45, as amended, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Does the Mayor or any other Councilperson have anything else they wish to bring before Council this evening?"

Mayor Patton: "I do."

President Albier: "Mayor."

Mayor Patton: "Council, great job on that Ordinance. Colleen, thanks for bringing it forward."

Councilwoman Gallagher: "Thank you Mayor."

Mayor Patton: "We're doing the right thing, we're going to protect our children. Thank you."

President Albier: "Thank you Mayor. Motion to adjourn?"

Councilwoman Pucci: "I move we adjourn into executive session with the Mayor, Mr. Shaper and Mr. Fisk for the purpose of discussing negotiations."

Councilman Coyne: "Second."

Director Shaper: "Let the people know we're not going to be voting when we come out, and that nothing else will take place."

Councilwoman Pucci: "And when we come out we will take no action."

Councilman G. Frey: "Other than to adjourn."

President Albier: "Right, the only motion we're going to take when we come back from this meeting is to adjourn. In other words, if you want to leave, leave."

Clerk Fisk: "To move into executive session, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

COUNCIL WENT INTO EXECUTIVE SESSION AND THEN RECONVENED AND UNANIMOUSLY VOTED TO ADJOURN.

Meeting adjourned at 9:02 p.m.

Clerk of Council

M A Y O R